



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,775	01/27/2004	Michael Husayn Kalantar	AUS920030619US1	2457
35525	7590	08/22/2008	EXAMINER	
IBM CORP (YA)			DAILEY, THOMAS J	
C/O YEE & ASSOCIATES PC				
P.O. BOX 802333			ART UNIT	
DALLAS, TX 75380			PAPER NUMBER	
			2152	
			NOTIFICATION DATE	
			DELIVERY MODE	
			08/22/2008	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

Office Action Summary	Application No. 10/765,775	Applicant(s) KALANTAR ET AL.	
	Examiner THOMAS J. DAILEY	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6,9-15,17,18,21-27,29,30 and 33-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,9-15,17,18,21-27,29,30 and 33-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 7-8, 19-20, and 31-32 were cancelled by the amendment filed on May 22, 2008.
2. Claims 1-3, 5-6, 9-15, 17, 18, 21-27, 29, 30 and 33-39 are pending.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 22, 2008 has been entered.

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 5-6, 9-15, 17, 18, 21-27, 29, 30 and 33-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2152

6. Claims 1-3, 5-6, 9-15, 17-18, 21-27, 29-30, and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Du et al (US Pat. 6,308,163), hereafter "Du," in view of Lee (US Pub. No. 2005/0055694).
7. As to claim 1, Du discloses a method for logically provisioning resources in a data processing system, said method comprising the steps of:
 - receiving a request for a set of resources in a plurality of resources in a provisioning environment with the data processing system (column 9, lines 23-34, and Fig. 8), wherein each resource in said set of resources is one of a plurality of different types of resources, wherein said plurality of different types of resources comprises hardware elements and software elements (column 11, lines 38-52, and Fig. 8);
 - selecting a particular instance of a resource in said set of resources of said plurality of resources from a group of unassigned available resources of said plurality of different types of resources (column 10, lines 1-10, an available resource is selected from a group of resources);
 - indicating the status of said selected particular instance, wherein said selected particular instance is unavailable for selection (column 7, lines 29-36);
 - logically provisioning said selected particular instance to fulfill the request by establishing logical relationships between said selected particular instance and other resources (column 12, lines 46-63)

Art Unit: 2152

associating a state variable with the each one of said plurality of resources, wherein the state variable indicates whether the each one of said plurality of resources is available or reserved (column 7, lines 29-42, LRM keep track of the availability of individual resources and a state variable indicating such is inherent); and

responsive to logically provisioning said selected particular instance to fulfill the request, indicating whether the each one of said plurality of resources is reserved utilizing said state variable, wherein a reserved resource has an established logical relationship with said provisioning environment (column 7, lines 29-42, LRM keep track of the availability of individual resources and therefore responsive to the provisioning disclosed in column 12, lines 46-63 the indication of whether the resource is available will be changed).

But, Du does not explicitly disclose indicating that said selected particular instance is in the process of being reserved, wherein said selected particular instance is unavailable for selection after indicating the particular instance is being reserved, and further the state variable additionally indicating whether each one of said plurality of resources is being reserved. Du teaching however is functionally the same due to the fact that when Du's resources are being reserved they will be unavailable for selection; Du just does not explicitly disclose indicating that a resource is "in the process of being reserved."

However, Lee discloses a method for logically provisioning resources in a data processing system (Abstract) including resources indicating that a particular instance of a resource is in the process of being reserved ([0069], lines 1-8, "an indicator showing whether the corresponding resource has any requests pending," i.e. it is in the process of being reserved), wherein said selected particular instance is unavailable for selection after indicating the particular instance is being reserved ([0069], lines 1-10, if there is an indication of pending requests, the instant request will not be processed), and further a state variable additionally indicating whether each one of said plurality of resources is being reserved ([0069], lines 1-8, "an indicator showing whether the corresponding resource has any requests pending").

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Du and Lee in order to give more specific status indicators to resources so as to give any users or programs more information when interacting with Du's system.

8. As to claims 13 and 25, they are rejected by the same rationale set forth in claim 1's rejection.

Art Unit: 2152

9. As to claims 2, 14, and 26, Du discloses identifying other ones of said plurality of resources that said selected particular instance requires for use (column 12, line 46-column 13, line 6, and Fig. 9).

10. As to claims 3, 15, and 27, Du discloses:

selecting a particular instance for each of said other ones from a group of unassigned available resources (column 10, lines 1-10) of said plurality of different types of resources that said selected particular instance requires for use (column 12, line 46-column 13, line 6, and Fig. 9); and

logically provisioning said selected particular instance for each of said other ones to fulfill a request by establishing logical relationships between each of said other ones (column 12, line 46-column 13, line 6, and Fig. 9).

11. As to claims 5, 17, and 29, Du discloses said group of unassigned available resources including no preassigned logical associations with any other one of said plurality of resources (column 10, lines 1-10)

12. As to claims 6, 18, and 30, Du discloses:

associating a state variable with each one of said plurality of resources (column 10, lines 1-10);

indicating whether each one of said plurality of resources is available to be selected utilizing said state variable (column 10, lines 1-10).

13. As to claims 9, 21, and 33, Du discloses:

creating a topology for said provisioning environment, said topology including a layout of said plurality of different types of resources (Figs. 8 and 9); and said layout defining relationships among said plurality of different types of resources (Figs. 8 and 9).

14. As to claims 10, 22, and 34, Du discloses utilizing said relationships defined by said layout to identify other ones of said plurality of resources that said selected particular instance requires for use (column 12, line 46-column 13, line 6, and Fig. 9).

15. As to claims 11, 23, and 35, Du discloses determining other ones of said plurality of resources that are to be associated with said particular instance (column 12, line 46-column 13, line 6, and Fig. 9).

16. As to claims 12, 24, and 36, Du discloses determining other ones of said plurality of resources that depend on said particular instance (column 12, line 46-column 13, line 6, and Fig. 9).

Art Unit: 2152

17. Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Du and Lee as applied to the parent claims above in further view of what was well known in the art at the time of the invention.

18. As to claims 37, 38, and 39, Du and Lee do not explicitly disclose the request comprises a list of previously reserved resources to be used to satisfy the request.

But, one of ordinary skill in art would view it as an obvious modification to include in Du's request a list of any resources that had been previously used to satisfy the request as it was a well known practice in the art and utilized to decrease the amount of time it takes to satisfy a request. Therefore, Official Notice (see MPEP ' 2144.03 Reliance on "Well Known" Prior Art) is taken that including a list of resources that were previously used to satisfy the same resource request (rather than submitting a generic request for resources) is a well known practice in the art.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

Art Unit: 2152

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./
Examiner, Art Unit 2152

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2152